

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

APR 12 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

DEBRA LYNN NORTON,

Plaintiff,

vs.

CITY OF SAN ANTONIO BY AND
THROUGH ITS AGENT, CITY
PUBLIC SERVICE BOARD OF
SAN ANTONIO,

Defendant.

CIVIL ACTION NO. SA-05-CA-1186-FB

**ORDER AFFIRMING MAGISTRATE JUDGE'S ORDER OF
FEBRUARY 27, 2007**

Before the Court are Plaintiff's Objection to Magistrate's Order Granting Defendant's Motion to Amend Answer (docket no. 54) and defendant's response (docket no. 57). Plaintiff appeals the Magistrate Judge's Order Granting Defendant's Motion to Amend Answer (docket o. 52) dated February 27, 2007. The standard of review for matters decided by a Magistrate Judge and appealed to the District Court is found in rule 72 of the Federal Rules of Civil Procedure. FED. R. CIV. P. 72(a). Rule 72 provides in part:

The district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.

Id.; see also W. DIST. LOC. R. app. C, 4(a) (citing 28 U.S.C. § 636(b)(1)(A) which provides "A judge of the court shall consider the appeal and shall set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.").

The Magistrate Judge allowed defendant to amend its answer to include an affirmative defense under the after-acquired evidence doctrine. The Court has reviewed the file, the objections and the

response, and concludes the Order of the United States Magistrate Judge dated February 27, 2007, is not clearly erroneous or contrary to law.

IT IS THEREFORE ORDERED that Plaintiff's Objections to Magistrate's Order Granting Defendant's Motion to Amend Answer (docket no. 54) are OVERRULED and the Order Granting Defendant's Motion to Amend Answer (docket no. 52) dated February 27, 2007, is AFFIRMED.

It is so ORDERED.

SIGNED this 12th day of April, 2007.



FRED BIERY
UNITED STATES DISTRICT JUDGE